

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	Criminal No. 05-30046-MAP
)	
v.)	
)	
)	
EDUARDO PAGAN,)	
Defendant.)	

MEMORANDUM PURSUANT TO LOCAL RULE 116.5(C)

The United States of America, by and through its undersigned attorney hereby files this memorandum.

1. There are no outstanding discovery requests from the Defendant in this case. The government has agreed to provide counsel with notice of any Fed.R.Crim.P. R. 404(b) evidence it intends to introduce. The government will also provide final copies of the transcripts previously provided.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendant does not intend to raise a defense of insanity or public authority.

4. The Defendant has not provided notice of alibi.

5. It is unlikely that the Defendant will file a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

7. While the parties have engaged in plea negotiations, the parties do not anticipate this case to be resolved through a change of plea.

8. The parties agree that no time has run on the Speedy Trial Clock since the Defendant's initial appearance on June 16, 2005.

9. In the event that a trial is necessary the trial will last approximately 5 days.

10. A date convenient with the Court should be established for Pretrial Conference.

Filed this 20TH day of January, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant United States Attorney

/s/ Robert Astor
Attorney Robert Astor
Counsel for Eduardo Pagan